

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 22, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of a Special Activity Permit 2009-109 for Courtney Couch of
Cornell University, Department of Ecology & Evolutionary Biology,
and Designated Assistants

The applicant proposes to conduct activities relating to coral research. These activities include the taking of small (2-in²) samples of hard corals off Keauhou, Kona, Hawaii Island. The Division has worked with the applicant to minimize the number of samples to be taken.

RECOMMENDATION:

"That the Board authorize and approve, with stated conditions, this Special Activity Permit for Courtney Couch of Cornell University."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson



SPECIAL
ACTIVITY
PERMIT

SAP 2009-109

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HONOLULU, HAWAII 96813

Date Issued 7/10/09

Not Valid After 7/09/10

SPECIAL ACTIVITY PERMIT

The Department of Land and Natural Resources (the Department) hereby grants permission for certain activities involving aquatic life belonging to the people of Hawai'i under the authority of Section 187A-6, Hawai'i Revised Statutes, and other applicable laws, to:

Permittee: Courtney Couch (607) 254-4296
Corson Hall E323
Dept. of Ecology & Evolutionary Biology
Cornell University
Ithaca, NY 14853

This permit is issued, subject to the general and special conditions below, to take coral (gametes only), subject to the other conditions of this permit. This permit allows the **TAKE, CATCH, POSSESS, TRANSPORT, OR KILL** certain aquatic life from waters of the State, as follows below.

This permit, signed by the Department, authorizes the permittee, and only the designated assistants on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the general and special conditions.

TYPES OF AQUATIC LIFE	SCIENTIFIC NAME	LIMITS	GEAR	LOCATIONS
Coral	<i>Porites lobata</i>	30 4 cm2 samples only; along with Special Conditions A, C & E.	Hand only, along with Special Conditions D.	Collection to be done off Keauhou, Island of Hawaii only ; along with Special Conditions B. Written permission needed from DAR for other waters of the State of Hawai'i.

PART I. GENERAL CONDITIONS

1. The permittee and each assistant will not make the Department or the State of Hawai'i liable in any way for any claim of personal injury or property damage which may result from activity authorized by this permit; the permittee and each assistant agree to hold the Department and State harmless against any and all claims of injury, death or damage resulting from actions or omissions under this permit.
2. This permit conveys a privilege to engage in **ONLY** those activities under the jurisdiction of the Department. The permittee and each assistant are responsible for complying with all applicable authorities County, State and Federal requirements. This permit does NOT convey any privilege of access over or through private property.
3. The permittee and each assistant is individually responsible and accountable for his or her actions while conducting activities authorized by this permit; the permittee is additionally responsible and accountable for the actions of each assistant.
4. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
5. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Department at least forty-five days prior to the change. No change

may be implemented without written approval from the Department. The addition of new assistants will require each individual to sign the Attachment page stating that they have read, understood, and agree to abide by all general and special permit conditions. Original signed versions of the Attachment page must be returned to the Department for validation; once approved, such persons are added to the permit.

6. This permit is neither transferable nor assignable to another person.
7. The permittee or assistant must carry a copy of this permit on location while conducting activities authorized by this permit. Upon request of an authorized representative of the Department, the permittee shall produce the original permit for inspection.
8. Authority granted by this permit **ends** on the expiration date (i.e. "Not Valid After") on the first page of this permit. Within **thirty (30) days** of the expiration date, or the cessation of activities covered under this permit (whichever comes first), the permittee agrees to **return the original permit** to the Division of Aquatic Resources (Division) **with a Final Report**. The Final Report shall include *all* collecting and other activities covered under this permit, and other information if required, under the special conditions.
9. The permittee and assistants agree to provide access to data obtained under this permit upon request of the Division, to provide the Division one copy of each report prepared with such data and published for distribution, and to allow Department staff to inspect the organisms collected under this permit, and the premises where they are kept. This provision shall be valid for up to sixty (60) days beyond the expiration of the permit.
10. Violation of any condition of this permit by any person may be cause for immediate suspension of the permit, and may result in revocation of the permit. The person responsible for the violation (and the permittee) may be subject to penalty as provided by law; any violation may also be cause for denial of future permit applications.

PART II. SPECIAL CONDITIONS

- A. **SUMMARY OF AUTHORIZATION:** This permit authorizes collecting, killing, possessing, and transport of small fragments of live stony coral **ONLY**, from the island of Hawaii **ONLY**, subject to the other conditions of this permit. Fixed, **DEAD** samples of the allowed collected coral may be transported out-of-State for analysis only.
- B. **LOCATIONS:** Collecting activities under this permit is limited to waters off Keauhou, Island of Hawaii and is expressly prohibited at the following locations.

<u>ISLAND OF MAUI</u>	<u>ISLAND OF O'AHU</u>	<u>ISLAND OF HAWAI'I</u>

Kahului Harbor FMA ¹	Ala Wai Canal FMA	Hilo Bay FMA
Honolua-Mokuleia MLCD ²	Coconut Island MLR	Kealahakua Bay MLCD
Molokini MLCD	Diamond Head SFMA	Kailua Bay FMA
Ahihi-Kinau NAR ³	Haleiwa Harbor FMA	Kawiahae Harbor FMA
	Hanauma Bay MLCD	Old Kona Airport MLCD
<u>ISLAND OF LANA'I</u>	Heeia Kea FMA	Lapakahi Bay MLCD
Manele Harbor FMA	Kapalama Canal FMA	Puako FMA
Manele-Hulopoe MLCD	Paiko Lagoon Wildlife Refuge	Waiakea PFA ⁴
	Pupukea MLCD	Wailea Bay MLCD
<u>ISLAND OF MOLOKA'I</u>	Waialua Bay FMA	Wailuku River FMA
Kaunakakai Harbor FMA	Waikiki MLCD	Wailoa River FMA
<u>ISLAND OF KAUA'I</u>		Waiopae Tidepools MLCD
Ahukini Pier FMA	<u>ISLAND OF KAHOLAWE</u>	West Hawaii Regional Fishery Management Area (comprising 9 Fish Replenishment Areas)
Hanamaulu Bay FMA	All waters	
Kapaa Canal FMA		
Waikaena Canal FMA		
Waimea Pier & Bay FMA		

¹ FMA - Fisheries Management Area; ² MLCD - Marine Life Conservation District; ³ NAR - Natural Area Reserve; ⁴ PFA - Public Fishing Area

C. **COLLECTING PRACTICES:** The permittee is responsible for persons engaging in activities under this permit behaving professionally and responsibly, in a manner which does not generate conflict with public or private sectors, including fishing and dive-tour industries and local communities.

1. Collecting activities under authority of this permit must be supervised directly, on site, by either Courtney Couch or her appointed representative (who must be a signatory of this permit).

2. An approved alien species protocol will be filed with DAR prior to initiation of any collection activities. Protocol will include mechanisms for ensuring that the individuals listed on this permit do NOT serve as vectors for the transport or introduction of alien species through their activities. This is specifically aimed at the collection, handling, and movement of the alien seaweeds and invasive cyanobacteria which the researchers might inadvertently come in contact with through their activities, along with various marine organisms that may be taken in habitats containing the listed invasive and alien marine species.
3. No extractive or invasive sampling will be done on or adjacent to (i.e. within 1 m) any large (> 1 m diameter), intact live coral colony. Specific efforts will be made to avoid damage to any large colonies of coral. No gear or tools will be placed onto, atop, or in contact with any live stony coral colonies.
4. No coral species other than those listed on this permit will be collected or impacted by any activities conducted under this permit.
5. The Department reserves the right to require the permittee to accommodate presence of an observer specified by the Division during collection and research activities.
6. A record will be kept of each collection activity comprising specific location (GPS), date, species and amount collected; and in cases of return to ocean, the same information along with notification to DAR prior to the return activity. These records will be made available to the Department upon request.
7. **Gamete Collection** - This permit does NOT authorize activities involving live coral egg and sperm collection.
8. **Rare Species** - The following *Porites* species require special permission from DAR prior to collection under this permit: *Porites pukoensis*, *Porites duerdeni*, *Porites studeri*. The following *Montipora* species require special permission from DAR prior to collection under this permit: *Montipora dilitata*. The following *Pocillopora* species require special permission from DAR prior to collection under this permit: *Pocillopora ligulata*, *Pocillopora molokensis*.
9. **NOTIFICATION:**
 - a. Collecting generally - the permittee or an identified assistant responsible for the field activity must notify the Kona DAR office and the Kona office of the Department's Division of Conservation and Resources Enforcement (DOCARE), at least 24 hours prior to initial commencement of any collection activity under this permit. Information to be transmitted will include: the permit number; type of activity; proposed date, time, and location of activity; along with the vessel name or HA number and number of persons to be involved. Telephone Numbers for DAR: Oahu 587-0100, Kaua'i 274-3344, Maui 243-5294, Big Island 974-

6201. Telephone Numbers for DOCARE: Oahu 587-0077, Kaua'i 274-3521, Maui 984-8110, Big Island 974-6208.

- b. Mass mortality - the permittee must notify DAR O'ahu within twenty-four (24) hours of
 - 1) Any instance of unauthorized damage caused to coral or other marine natural resources as a result of activities conducted under this permit.
 - 2) Any un-planned mass die-off of collected material after field collection.

D. **GEAR AND METHODS**

Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, **electrical shocking devices, or explosives remains expressly prohibited.**

- 1. No chemicals, as defined by HAR §13-75-7, will be used in State waters, or carried by personnel while in/under the water, or in small boats that researchers are operating on the water in.

E. **USE OF ORGANISMS:** Coral samples taken from State waters under authority of this permit may be used only for research use, except as authorized by prior written approval of the Division (or as detailed above):

- 1. No coral, coral tissue or associated symbionts will be released back into Hawaii waters after having been taken to lab facilities except as authorized by prior written approval of the Division
- 2. Organisms collected under authority of this permit may not be used for personal consumption or sale; organisms collected under this permit may not be traded, bartered or loaned to other individuals, institutions or entities;
- 3. Written approval must be obtained from the Division prior to
 - a. Co-mingling organisms collected or maintained under this permit with any other organisms (regardless of origin), alive from any other party.
 - b. Transporting any live organism (regulated or not) out-of-State, or between islands.
 - c. Transfer of any organisms collected under this permit to any other person not on this permit (no transfer allowed to organizations or agencies).
- 4. Disposition: Captive organisms may not be released or returned to the wild without the authorization of the Division, and assurances that such a release meets conditions listed under HRS §197-3, Introduction of aquatic life and wildlife.
 - a. The permittee must renew this permit if organisms collected under this permit are kept alive beyond the permit's end date.
 - b. The permittee must gain written authorization from the Department which will directly accompany transfer of dead

organisms (or parts thereof) to parties out of the Permittee's control and/or after the permit's end date.

5. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any coral or live rock to any person or party in Hawai'i which does not already have a permit from the Department authorizing possession of same and without direct, written approval from the Division.

F. **REPORTS:** The permittee must provide to the Division the following:

1. A Final written Report: summarizing results of collecting activity carried out under this permit and the analysis of the data. All reports and the original expired permit should be returned to: The Division of Aquatic Resources, 1151 Punchbowl St., room 330, Honolulu, HI 96813.

- a. The annual report should provide a written explanation as to how the collection of and/or impact to these regulated aquatic species for this activity is benefiting the State of Hawai'i in general and specifically, the improved management of the species impacted.

- b. The final report must describe, in form specified by the Department,

- 1). Species identification and total numbers/quantities of all specimens collected under this permit, specific collection location with GPS and photos (pre-and immediately post-collection of the immediate habitat the organisms was on). In addition, a detailed inventory of organisms (dead or alive) present at the facility or with the permittee the end of the report period, in form acceptable to the Division, must accompany the final report.

- 2). Their dispositions (e.g. on display; released/returned to the ocean; died), along with documentation, if required.

- 3). **Description of any additional benefits** beyond the scientific analysis provided to the Division or the public during the period.

- 4). Gear used - including dated photos of gear pre- and post-recovery.

3. The Final Report will include copies (as listed appendices within the final report) of all amendments, lists of all assistants, and any intermediate reports (ex. Monthly Reports) required.

4. The Final Report is due at the Division's Honolulu office within one calendar month after expiration of the permit, or the cessation of

activities covered under this permit (whichever comes first), and is required prior to any renewal of this permit.

VALIDATING SIGNATURE

LAURA H. THIELEN, Chairperson

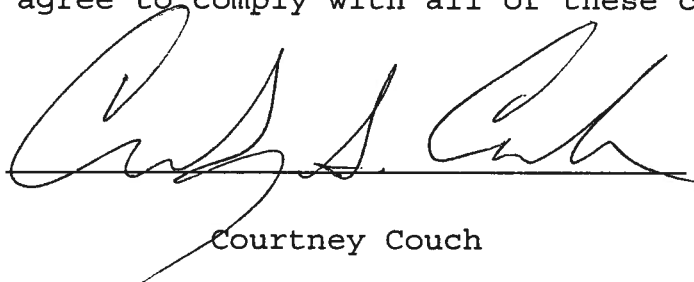
Board of Land and Natural Resources

cc: DLNR Division of Conservation and Resources Enforcement

Special Agent in Charge, US Fish and Wildlife Service Honolulu

ACKNOWLEDGING SIGNATURE

By my signature below, I attest that I have read and understand the General and Special Conditions of Special Activity Permit SAP_2009-109 and that, further, I agree to comply with all of these conditions.

A handwritten signature in black ink, appearing to read 'Courtney Couch', is written over a horizontal line.

Courtney Couch

Primary Permittee

Designated Assistants

Sign Type name	Sign Type name
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